UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,313	02/28/2002	David Kammer	PALM-3749.US.P	2769

7590	04/21/2005	EXAMINER

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/086,313	KAMMER ET AL.
Office Action Summary	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 February 2002*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-27* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *28 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

This office action is responsive to communication filed on 02/28/2002.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined.in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-7, and 12-18** are rejected under 35 U.S.C. 102(e) as being

unpatentable by Bishop (Bishop) U.S. Patent No. 6,377,782.

Regarding claim 1, Bishop discloses a method of connecting to a wireless

communication access point comprising:

a) an initiator device broadcasting a first wireless message to a plurality

of potential access point devices, said initiator device storing therein a list of

recognized device addresses for connecting thereto (*column 13, lines 54-67;*

column 14, lines 1-34; note that the initiator here is the NAID);

b) said initiator device receiving a plurality of second wireless messages

from a set of said plurality of potential access point devices (*column 14, lines 35-67*);

c) said initiator device comparing device addresses of said plurality of

second wireless messages for address matches with said list of recognized

device addresses (*column 13, lines 66-67; column 14, lines 1-26; column 23, lines 34-67*);

d) applying a fitness function to address matches of said c) to determine a single address (*column 13, lines 60-67; column 14, lines 1-26; column 23, lines 34-67*); and

e) connecting to an access point device corresponding to said single address (*column 13, lines 60-67; column 14, lines 1-26; column 23, lines 34-67*).

Regarding claim 2, Bishop discloses the method as described in Claim 1 wherein set of said plurality of potential access point devices is defined by a quantity of device threshold (*column 8, lines 18-22; column 23, lines 18-33*).

Regarding claim 3, Bishop discloses the method as described in Claim 1 wherein set of said plurality of potential access point devices is defined by a time of discovery threshold (*column 23, lines 4-33*).

Regarding claim 4, Bishop discloses the method as described in Claim 1 wherein said fitness function comprises an occupancy level less than a predetermined threshold (*column 8, lines 11-22*).

Regarding claim 5, Bishop discloses the method as described in Claim 1 wherein said fitness function comprises signal strength greater than a predetermined threshold (*column 23, lines 18-33*).

Regarding claim 6, Bishop discloses the method as recited in Claim 1 wherein said fitness function comprises residing within a predetermined physical distance (*column 8, lines 51-67*).

Regarding claim 7, Bishop discloses the method as recited in Claim 1

wherein said initiator device and said responding device are Bluetooth-enabled

devices (*column 10, lines 44-67*).

Regarding claim 12, Bishop discloses a wireless communication device

comprising:

a bus (*fig. 1, item 730; column 15, lines 32-67*);

a wireless transceiver unit coupled to said bus for communicating with

responding devices (*fig. 7, item 732; column 2, lines 52-64; column 6, 43-53;*

column 15, lines 52-67; column 16, lines 1-5);

a memory cache coupled to said bus (*column 15, lines 51-67; fig. 7, item 734*);

and

a processor coupled to said bus, said processor for performing a method

for selecting and connecting to a responding access point device (*fig. 7, items*

726, and 738; column 15, lines 42-67; column 16, lines 1-18), said method

comprising:

a) an initiator device broadcasting a first wireless message to a plurality

of potential access point devices, said initiator device storing therein a list of

recognized device addresses for connecting thereto (*column 14, lines 35-67*);

b) said initiator device receiving a plurality of second wireless messages

from a set of said plurality of potential access point devices (*column 14, lines 35-*

67);

c) said initiator device comparing device addresses of said plurality of

second wireless messages for address matches with said list of recognized

device addresses (*column 13, lines 60-67; column 14, lines 1-26; column 23,*

lines 34-67);

d) applying a fitness function to address matches of said c) to determine

a single address; and

e) connecting to an access point device corresponding to said single

address (*column 13, lines 60-67; column 14, lines 1-26; column 23, lines 34-67*).

Regarding claim 13, Bishop discloses the method as described in

Claim 12 wherein set of said plurality of potential access point devices is defined

by a quantity of device threshold (*column 8, lines 18-22; column 23, lines 18-33*).

Regarding claim 14, Bishop discloses the method as described in

Claim 12 wherein set of said plurality of potential access point devices is defined

by a time of discovery threshold (*column 23, lines 4-33*).

Regarding claim 15, Bishop discloses the method as described in

Claim 12 wherein said fitness function comprises an occupancy level less than a

predetermined threshold (*column 8, lines 11-22*).

Regarding claim 16, Bishop discloses the method as described in

Claim 12 wherein said fitness function comprises signal strength greater than a

predetermined threshold (*column 23, lines 18-33*).

Regarding claim 17, Bishop discloses the method as recited in Claim 12

wherein said fitness function comprises residing within a predetermined physical

distance (*column 8, lines 51-67*).

Regarding claim 18, Bishop discloses the method as recited in Claim 12

wherein said initiator device and said responding device are Bluetooth-enabled

devices (*column 10, lines 44-67*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described. as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 8-11, and 19--27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bishop in view of Calvert (Calvert), U.S. Patent No. 6,526,275

B1.

Regarding claim 8, Bishop discloses the invention as claimed. Bishop teaches

the wireless communication access point of claim 1, but does not specifically

discloses a method wherein said access point device is coupled to a network

comprising a network server.

In the same field on endeavor, Calvert discloses "...a wireless system couple to a

context engine server..." [*see Calvert, fig. 1, item 109; column 4, lines 1-33*].

Accordingly, it would have been obvious to one of ordinary skill in the

networking art at the time the invention was made to have incorporated Calvert's

teachings of using an access point coupled with a network server, with the

teachings of Bishop, for the purpose of "*allowing the system to have desired processing capabilities ...*" as stated by Calvert in lines 25-40 of column 5. By this rationale **claim 8** is rejected.

Regarding claim 9, the combination Bishop-Calvert discloses the method of Claim 8 wherein a list of all current network access point addresses is maintained on said network server [*see Calvert, column 7, lines 45-67; column 8, lines 1-22*]. The same motivation that was utilized in the combination of claim 8, applies equally as well to claim 9 [*see Calvert, column 5, lines 25-40*]. By this rationale **claim 9** are rejected.

Regarding claim 10, the combination Bishop-Calvert discloses the

method as recited in Claim 9 wherein said list of access point addresses of c) is

compared to said list of current network access point addresses, any differences

being updated within said list of access point addresses in said memory cache of

said initiator device [*see Bishop, column 14, lines 35-67; see Calvert, column 8,*

lines 23-67]. The same motivation that was utilized in the combination of claim 8,

applies equally as well to claim 10 [*see Calvert, column 5, lines 25-40*]. By this

rationale **claim 10** are rejected.

Regarding claim 11, the combination Bishop-Calvert discloses the

method of Claim 9 wherein said initiator device abstracts said list of access point

addresses into a single abstract name [*see Bishop, column 14, lines 35-67; see*

Calvert, column 8, lines 23-67]. The same motivation that was utilized in the

combination of claim 8, applies equally as well to claim 11 [*see Calvert, column*

5, lines 25-40]. By this rationale **claim 11** are rejected.

Regarding claim 19, the combination Bishop-Calvert discloses the

method as recited in Claim 12 wherein said access point device is coupled to a

network comprising a network server [*see Bishop, fig. 1, item 109; column 4,*

lines 1-33]. The same motivation that was utilized in the combination of claim 8,

applies equally as well to claim 19 [*see Calvert, column 5, lines 25-40*]. By this

rationale **claim 19** are rejected.

Regarding claim 20, the combination Bishop-Calvert discloses the

method of Claim 19 wherein a list of all current network access point addresses

is maintained on said network server [*see Calvert, column 7, lines 45-67; column 8, lines 1-22*]. The same motivation that was utilized in the combination of claim 8, applies equally as well to claim 20 [*see Calvert, column 5, lines 25-40*]. By this rationale **claim 20** are rejected.

Regarding claim 21, the combination Bishop-Calvert discloses the method as recited in Claim 20 wherein said list of access point addresses of c) is compared to said list of current network access point addresses, any differences being updated within said list of access point addresses in said memory cache of said initiator device [*see Bishop, column 14, lines 35-67; see Calvert, column 8, lines 23-67*]. The same motivation that was utilized in the combination of claim 8, applies equally as well to claim 21[*see Calvert, column 5, lines 25-40*]. By this rationale **claim 21** are rejected.

Regarding claim 22, the combination Bishop-Calvert discloses the method of Claim 20 wherein said initiator device abstracts said list of access point addresses into a single abstract name [*see Bishop, column 14, lines 35-67; see Calvert, column 8, lines 23-67*]. The same motivation that was utilized in the combination of claim 8, applies equally as well to claim 22 [*see Calvert, column 5, lines 25-40*]. By this rationale **claim 22** are rejected.

Regarding claim 23, the combination Bishop-Calvert discloses in a wireless communication device having a wireless transceiver and a memory cache comprising a list of access point addresses, a method for updating said list

of access point addresses [*see Bishop; fig. 7, items 726, 730, 732, 734, and 738*]

comprising:

a) connecting said wireless communication device with a network server, said

network server comprising a list of current network access point addresses for a

network [*see Calvert, fig. 1, item 109; column 4, lines 1-33*].

b) comparing said list of access point addresses to said list of current

network access point addresses [*see Bishop, column 14, lines 35-67; see

Calvert, column 8, lines 23-67*];

c) adding to said list of access point addresses in said memory cache of

said wireless communication device any addresses found on said list of current

network access point addresses and not found on said list of access point

addresses [*see Bishop, column 14, lines 35-67; see Calvert, column 8, lines 23-

67*]; and

d) deleting from said list of access point addresses in said memory

cache of said wireless communication device any addresses not found on said

list of current network access point addresses and found on said list of access

point addresses [*see Bishop, column 14, lines 35-67; see Calvert, column 8,

lines 23-67*]. The same motivation that was utilized in the combination of claim 8,

applies equally as well to claim 23 [*see Calvert, column 5, lines 25-40*]. By this

rationale **claim 23** are rejected.

Regarding claim 24, the combination Bishop-Calvert discloses the

method as recited in Claim 23 wherein said wireless communication device is a

Bluetooth-enabled device [*see Bishop, column 10, lines 44-67*]. The same

motivation that was utilized in the combination of claim 8, applies equally as well

to claim 24 [*see Calvert, column 5, lines 25-40*]. By this rationale **claim 24** are

rejected.

Regarding claim 25, the combination Bishop-Calvert discloses the

method as recited in Claim 23 wherein connecting said wireless communication

device with a network server comprises connecting through an access point [*see

Bishop, fig. 3, items 305-315*]. The same motivation that was utilized in the

combination of claim 8, applies equally as well to claim 25 [*see Calvert, column

5, lines 25-40*]. By this rationale **claim 25** are rejected.

Regarding claim 26, the combination Bishop-Calvert discloses the

method as recited in Claim 23 wherein said access point is a Bluetooth enabled

device [*see Bishop, column 10, lines 44-67*]. The same motivation that was

utilized in the combination of claim 8, applies equally as well to claim 26[*see

Calvert, column 5, lines 25-40*]. By this rationale **claim 26** are rejected.

Regarding claim 27, the combination Bishop-Calvert discloses the

method as recited in Claim 23 wherein said wireless communication device is a

portable computer system [*see Calvert, column 4, lines 34-48*]. The same

motivation that was utilized in the combination of claim 8, applies equally as well

to claim 27 [*see Calvert, column 5, lines 25-40*]. By this rationale **claim 27** are

rejected.

REFERENCE Cited

6.   Bishop (Bishop) U.S. Patent No. 6,377,782.

       Calvert (Calvert), U.S. Patent No. 6,526,275 B1.

Conclusion

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.
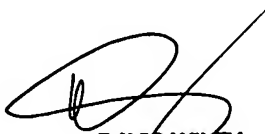
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

April 15, 2005

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100